

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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|-----------------------------|---|---------------------------------------|
| HENRY RAYMOND JOSEPH PEREZ, |) | Case No.: 1:24-cv-0845 JLT EPG |
| |) | |
| Plaintiff, |) | ORDER ADOPTING FINDINGS AND |
| |) | RECOMMENDATIONS, DISMISSING THE |
| v. |) | ACTION WITHOUT PREJUDICE, AND |
| |) | DIRECTING THE CLERK OF COURT TO CLOSE |
| HEATHER DIAZ, et al., |) | THIS CASE |
| |) | |
| Defendants. |) | (Doc. 7) |
| |) | |
| |) | |

Henry Raymond Joseph Perez seeks to hold the defendants liable for violations of his civil rights while confined at the Kern County AES Center. (*See generally* Doc. 1.) However, Plaintiff did not pay the Court’s filing fee or submit a completed application to proceed *in forma pauperis*. (*See* Doc. 6.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice for Plaintiff’s failure to pay the filing fee. (Doc. 7.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 7 at 2.) The Court advised the “failure to file objections within the specified time may result in the waiver of the rights on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) In addition, the Court informed Plaintiff that if he filed a completed application to proceed *in forma pauperis* or paid the filing fee, the Findings and Recommendations would be vacated. (*Id.*) Plaintiff did not file objections, file an IFP application, or pay the filing fee; and the time to do so has passed.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
3 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on October 16, 2024 (Doc. 7) are
5 **ADOPTED** in full.
- 6 2. The action is **DISMISSED** without prejudice for Plaintiff's pay the filing fee.
- 7 3. The Clerk of Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **December 6, 2024**


UNITED STATES DISTRICT JUDGE